



*JPW*

PATENT  
Customer No. 22,852  
Attorney Docket No. 7579.0005-06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Graham Edmund KELLY ) Group Art Unit: 1623  
Application No.: 10/799,022 ) Examiner: Devesh KHARE  
Filed: March 11, 2004 ) Confirmation No.: 7571  
For: METHOD OF CHOLESTEROL )  
REDUCTION USING ISOFLAVONES )

**MAIL STOP AMENDMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

In order to update information provided in the Information Disclosure Statement filed on October 13, 2004 in the present application, Applicant is submitting the following recently filed U.S. patent applications that might possibly be considered related to the present application by subject matter:

Appl. No.	Att. Docket NO.	Title	Examiner
11/024,512	07579-0007-06000	Therapeutic Method and Compositions Involving Isoflavones	Not Yet Assigned
10/510,837	07579-0022-00000	Therapeutic Method and Compositions Involving Isoflav-3-ene and Isoflavan Structures	Not Yet Assigned

Since U.S. Patent Application No. 11/024,512 ("the '512 application") (Atty. Docket No. 07579-0007-06000) is a continuation of U.S. Patent Application No. 10/176,762 ("the '762 application"), Applicant submits U.S. Patent Application Publication No. 2002-0198248 A1, which is the publication of '762 application. Applicant also submits a set of pending claims for '512 application.

For U.S. Patent Application No. 10/510,837 (Atty. Docket No. 07579-0022-00000) Applicant submits corresponding PCT publication No. WO 03/086386.

Applicant also submits Office Actions and other official correspondence issued by the U.S. Patent and Trademark Office in the U.S. Patents and Applications which claim priority to the same application as the instant application or which could possibly be considered related to the instant application by subject matter. Copies of responses submitted by the Applicant to the USPTO are also submitted herewith.

Applicant respectfully requests that the Examiner consider the documents listed on the attached Form PTO/SB/08 and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

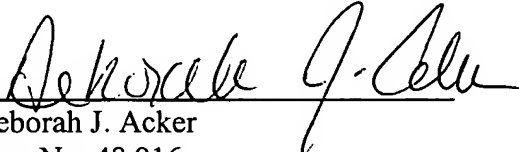
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

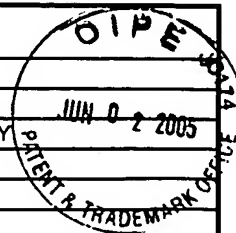
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 31, 2005

By:   
Deborah J. Acker  
Reg. No. 48,916

IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number	10/799,022	
Sheet		1	of	6	Filing Date	March 11, 2004
					First Named Inventor	Graham Edmund KELLY
					Art Unit	1623
					Examiner Name	Devesh KHARE
					Attorney Docket Number	07579-0005-06000



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,261,565	Jul. 17, 2001	EMPIE et al.	
		US-2002-0198248 A1	Dec. 26, 2002	KELLY et al.	

**Note:** Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EP 0 682 877 B1	Apr. 2, 2003	Nichimo Co. Ltd.		
		JP 01-258669 A	Oct. 16, 1989	Kikkoman Corp.		
		JP 61-246124 A	Nov. 1, 1986	Yamanouchi Pharmaceutical Co.		
		WO 97/46208 A2	Dec. 11, 1997	Mt. Sinai School of Medicine		
		WO 03/086386 A1	Oct. 23, 2003	Novogen Research PTY Ltd.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Pending Claims in U.S. Patent Application No. 11/024,512 entitled "Therapeutic Methods and Compositions Involving Isoflavones," filed on December 28, 2004 (Attorney Docket No. 07579-0007-06000).	
		Preliminary Amendment filed in U.S. Reissue Application No. 09/602,191 on June 22, 2000 (Attorney Docket No. 07579-0001-00000)	
		Office Action issued in U.S. Reissue Application No. 09/602,191 on January 29, 2002 (Attorney Docket No. 07579-0001-00000)	
		Response filed in U.S. Reissue Application No. 09/602,191 on May 29, 2002 (Attorney Docket No. 07579-0001-00000)	
		Quayle Action issued in U.S. Reissue Application No. 09/602,191 on October 3, 2002 (Attorney Docket No. 07579-0001-00000)	
		Office Action issued in U.S. Reissue Application No. 09/602,191 on November 5, 2002 (Attorney Docket No. 07579-0001-00000)	
		Response filed in U.S. Reissue Application No. 09/602,191 on February 5, 2003 (Attorney Docket No. 07579-0001-00000)	
		Final Office Action issued in U.S. Reissue Application No. 09/602,191 on March 19, 2003 (Attorney Docket No. 07579-0001-00000)	

Examiner Signature	Date Considered
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/799,022
				Filing Date	March 11, 2004
				First Named Inventor	Graham Edmund KELLY
				Art Unit	1623
				Examiner Name	Devesh KHARE
Sheet	2	of	6	Attorney Docket Number	07579-0005-06000

NON PATENT LITERATURE DOCUMENTS			
		Response After Final filed in U.S. Reissue Application No. 09/602,191 on September 19, 2003 (Attorney Docket No. 07579-0001-00000)	
		Advisory Action issued in U.S. Reissue Application No. 09/602,191 on April 6, 2004 (Attorney Docket No. 07579-0001-00000)	
		Quayle Action issued in U.S. Reissue Application No. 09/602,191 on September 23, 2004 (Attorney Docket No. 07579-0001-00000)	
		Response filed in U.S. Reissue Application No. 09/602,191 on January 21, 2005 (Attorney Docket No. 07579-0001-00000)	
		Office Action issued in U.S. Patent Application No. 09/602,191 on May 5, 2005 (Attorney Docket No. 07579-0001-00000).	
		Restriction Requirement issued in U.S. Patent Application No. 08/338,567 on April 30, 1996 (Attorney Docket No. 07579-0002-00000)	
		Traversal and Request for Reconsideration filed in U.S. Patent Application No. 08/338,567 on May 31, 1996 (Attorney Docket No. 07579-0002-00000)	
		Office Action issued in U.S. Patent Application No. 08/338,567 on September 10, 1996 (Attorney Docket No. 07579-0002-00000)	
		Amendment filed in U.S. Patent Application No. 08/338,567 on February 28, 1997 (Attorney Docket No. 07579-0002-00000)	
		Second Supplemental Response filed in U.S. Patent Application No. 08/338,567 on March 12, 1997 (Attorney Docket No. 07579-0002-00000)	
		Office Action issued in U.S. Patent No. 6,146,668 on September 8, 1998 (Attorney Docket No. 07579-0003-00000)	
		Amendment and Response filed in U.S. Patent No. 6,146,668 on March 8, 1999 (Attorney Docket No. 07579-0003-00000)	
		Office Action issued in U.S. Patent No. 6,146,668 on June 7, 1999 (Attorney Docket No. 07579-0003-00000)	
		Amendment After Final filed in U.S. Patent No. 6,146,668 on December 7, 1999 (Attorney Docket No. 07579-0003-00000)	
		Notice of Allowance with Examiner's Amendment issued in U.S. Patent No. 6,146,668 on January 11, 2000 (Attorney Docket No. 07579-0003-00000)	
		Preliminary Amendment filed in U.S. Patent Application No. 09/546,565 on April 11, 2000 (Attorney Docket No. 07579-0003-01000)	
		Office Action issued in U.S. Patent Application No. 09/546,565 on October 2, 2002 (Attorney Docket No. 07579-0003-01000)	
		Amendment filed in U.S. Patent Application No. 09/546,565 on April 2, 2003 (Attorney Docket No. 07579-0003-01000)	
		Office Action issued in U.S. Patent Application No. 09/546,565 on June 20, 2003 (Attorney Docket No. 07579-0003-01000)	
		Amendment filed in U.S. Patent Application No. 09/546,565 on November 20, 2003 (Attorney Docket No. 07579-0003-01000)	

Examiner Signature		Date Considered	
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				Application Number	10/799,022
				Filing Date	March 11, 2004
				First Named Inventor	Graham Edmund KELLY
				Art Unit	1623
				Examiner Name	Devesh KHARE
Sheet	3	of	6	Attorney Docket Number	07579-0005-06000

NON PATENT LITERATURE DOCUMENTS			
		Office Action issued in U.S. Patent Application No. 09/546,565 on February 25, 2004 (Attorney Docket No. 07579-0003-01000)	
		Amendment filed in U.S. Patent Application No. 09/546,565 on August 25, 2004 (Attorney Docket No. 07579-0003-01000)	
		Notice of Allowance with Examiner's Amendment issued in U.S. Patent Application No. 09/546,565 on November 16, 2004 (Attorney Docket No. 07579-0003-01000)	
		Amendment filed in U.S. Patent Application No. 09/546,565 on January 26, 2005 (Attorney Docket No. 07579-0003-01000)	
		Preliminary Amendment filed in U.S. Patent Application No. 08/910,837 on August 13, 1997 (Attorney Docket No. 07579-0005-00000)	
		Office Action issued in U.S. Patent Application No. 08/910,837 on April 2, 1998 (Attorney Docket No. 07579-0005-00000)	
		Amendment filed in U.S. Patent Application No. 08/910,837 on May 4, 1998 (Attorney Docket No. 07579-0005-00000)	
		Request for Interference filed U.S. Patent Application No. 08/910,837 on June 4, 1998 (Attorney Docket No. 07579-0005-00000)	
		Amendment and Supplemental Request for an Interference filed in U.S. Patent Application No. 08/910,837 on May 18, 1999 (Attorney Docket No. 07579-0005-00000)	
		Supplemental Amendment and Supplemental IDS filed in U.S. Patent Application No. 08/910,837 on September 24, 1999 (Attorney Docket No. 07579-0005-00000)	
		Preliminary Motion filed in Interference No. 104,576 on December 19, 2000 (Attorney Docket No. 07579-0005-00000)	
		Proposed Amendment filed in Interference No. 104,576 on December 19, 2000 (Attorney Docket No. 07579-0005-00000)	
		Transcript of oral argument heard in interference No. 104,576 on June 8, 2001 (Attorney Docket No. 07579-0005-00000)	
		Proposed Amendment filed in U.S. Patent Application No. 08/910,837 on June 8, 2001 (Attorney Docket No. 07579-0005-00000)	
		Order Redeclearing Interference issued in U.S. Patent Application No. 08/910,837 on June 20, 2001 (Attorney Docket No. 07579-0005-00000)	
		Amendment filed in U.S. Patent Application No. 08/910,837 on April 4, 2002 (Attorney Docket No. 07579-0005-00000)	
		Preliminary Amendment in U.S. Patent Application No. 09/547,100 on April 11, 2000 (Attorney Docket No. 07579-0005-01000)	
		Office Action issued in U.S. Patent Application No. 09/547,100 on September 13, 2000 (Attorney Docket No. 07579-0005-01000)	
		Amendment filed in U.S. Patent Application No. 09/547,100 on February 27, 2001 (Attorney Docket No. 07579-0005-01000)	
		Office Action issued in U.S. Patent Application No. 09/547,100 on May 22, 2001 (Attorney Docket No. 07579-0005-01000)	

Examiner Signature		Date Considered	
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			<i>Application Number</i>	10/799,022	
			<i>Filing Date</i>	March 11, 2004	
			<i>First Named Inventor</i>	Graham Edmund KELLY	
			<i>Art Unit</i>	1623	
			<i>Examiner Name</i>	Devesh KHARE	
Sheet	4	of	6	<i>Attorney Docket Number</i>	07579-0005-06000

NON PATENT LITERATURE DOCUMENTS			
		Response filed in U.S. Patent Application No. 09/547,100 on November 20, 2001 (Attorney Docket No. 07579-0005-01000)	
		Office Action issued in U.S. Patent Application No. 09/547,100 on January 30, 2002 (Attorney Docket No. 07579-0005-01000)	
		Amendment After Final filed in U.S. Patent Application No. 09/547,100 on June 28, 2002 (Attorney Docket No. 07579-0005-01000)	
		Preliminary Amendment filed in U.S. Patent Application No. 09/421,069 on October 19, 1999 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on April 17, 2000 (Attorney Docket No. 07579-0005-02000)	
		Response and Amendment filed in U.S. Patent Application No. 09/421,069 on October 13, 2000 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on January 16, 2001 (Attorney Docket No. 07579-0005-02000)	
		Response filed in U.S. Patent Application No. 09/421,069 on May 15, 2001 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on July 31, 2001 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on August 22, 2001 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on November 06, 2001 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on February 6, 2002 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on October 22, 2002 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on January 22, 2003 (Attorney Docket No. 07579-0005-02000)	
		Supplemental Amendment filed in U.S. Patent Application No. 09/421,069 on July 1, 2003 (Attorney Docket No. 07579-0005-02000)	
		Preliminary Amendment filed in U.S. Patent Application No. 10/274,371 on October 18, 2002 (Attorney Docket No. 07579-0005-03000)	
		Office Action issued in U.S. Patent Application No. 10/274,371 on May 17, 2004 (Attorney Docket No. 07579-0005-03000)	
		Amendment and Response filed in U.S. Patent Application No. 10/274,371 on October 15, 2004 (Attorney Docket No. 07579-0005-03000)	
		Office Action issued in U.S. Patent Application No. 10/274,371 on January 12, 2005 (Attorney Docket No. 07579-0005-03000)	
		Office Action Response filed in U.S. Patent Application No. 10/274,371 on April 12, 2005 (Attorney Docket No. 07579-0005-03000)	

Examiner Signature		Date Considered	
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				Application Number	10/799,022
				Filing Date	March 11, 2004
				First Named Inventor	Graham Edmund KELLY
				Art Unit	1623
				Examiner Name	Devesh KHARE
Sheet	5	of	6	Attorney Docket Number	07579-0005-06000

NON PATENT LITERATURE DOCUMENTS			
		Preliminary Amendment filed in U.S. Patent Application No. 10/611,087 on July 2, 2003 (Attorney Docket No. 07579-0005-04000)	
		Office Action issued in U.S. Patent Application No. 10/611,087 on September 24, 2004 (Attorney Docket No. 07579-0005-04000)	
		Office Action Response filed in U.S. Patent Application No. 10/611,087 on March 16, 2005 (Attorney Docket No. 07579-0005-04000)	
		Preliminary Amendment filed in U.S. Patent Application No. 10/611,151 on July 02, 2003 (Attorney Docket No. 07579-0005-05000)	
		Office Action issued in U.S. Patent Application No. 10/611,151 on July 14, 2004 (Attorney Docket No. 07579-0005-05000)	
		Amendment and Response filed in U.S. Patent Application No. 10/611,151 on December 14, 2004 (Attorney Docket No. 07579-0005-05000)	
		Office Action issued in U.S. Patent No. 6,340,703 on July 9, 1999 (Attorney Docket No. 07579-0006-00000)	
		Office Action issued in U.S. Patent No. 6,340,703 on April 27, 2000 (Attorney Docket No. 07579-0006-00000)	
		Amendment and Response filed in U.S. Patent No. 6,340,703 on October 27, 2000 (Attorney Docket No. 07579-0006-00000)	
		Office Action issued in U.S. Patent No. 6,340,703 on February 9, 2001 (Attorney Docket No. 07579-0006-00000)	
		Amendment filed in U.S. Patent No. 6,340,703 on May 31, 2001 (Attorney Docket No. 07579-0006-00000)	
		Office Action issued in U.S. Patent Application No. 09/986,509 on July 23, 2002 (Attorney Docket No. 07579-0006-01000)	
		Amendment filed in U.S. Patent Application No. 09/986,509 on December 23, 2002 (Attorney Docket No. 07579-0006-01000)	
		Restriction Requirement issued in U.S. Patent Application No. 09/986,509 on April 18, 2003 (Attorney Docket No. 07579-0006-01000)	
		Response to Restriction Requirement filed in U.S. Patent Application No. 09/986,509 on October 8, 2003 (Attorney Docket No. 07579-0006-01000)	
		Office Action issued in U.S. Patent Application No. 09/986,509 on February 6, 2004 (Attorney Docket No. 07579-0006-01000)	
		Amendment and Response filed in U.S. Patent Application No. 09/986,509 on August 5, 2004 (Attorney Docket No. 07579-0006-01000)	
		Office Action issued in U.S. Patent Application No. 09/647,092 on October 23, 2001 (Attorney Docket No. 07579-0013-00000)	
		Amendment filed in U.S. Patent Application No. 09/647,092 on March 25, 2002 (Attorney Docket No. 07579-0013-00000)	
		Office Action issued in U.S. Patent Application No. 09/647,092 on June 18, 2002 (Attorney Docket No. 07579-0013-00000)	

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Sheet

6

of

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**Application Number**

10/799.022

Filing Date

March 11, 2004

**First Named Inventor**

**Graham Edmund KELLY**

**Art Unit**

1623

**Examiner Name**

Devesh KHARE

Attorney Docket Number

07579-0005-06000

Amendment After Final filed in U.S. Patent Application No. 09/647,092 on December 17, 2002  
(Attorney Docket No. 07579-0013-00000)

Restriction Requirement issued in U.S. Patent Application No. 09/647,092 on February 10, 2003 (Attorney Docket No. 07579-0013-00000)

Amendment and Response to Restriction Requirement filed in U.S. Patent Application No. 09/647,092 on March 11, 2003 (Attorney Docket No. 07579-0013-00000)

Notice of Allowance with Statement of Reasons issued in U.S. Application No. 09/647,092 on April 8, 2003 (Attorney Docket No. 07579-0013-00000)

Preliminary Amendment filed in U.S. Patent Application No. 10/459,537 on June 12, 2003  
(Attorney Docket No. 07579-0013-01000)

Office Action issued in U.S. Patent Application No. 09/914,035 on December 18, 2002  
(Attorney Docket No. 07579-0015-00000)

Preliminary Amendment filed in U.S. Patent Application No. 10/600,004 on June 18, 2003  
(Attorney Docket No. 07579-0015-01000)

Office Action issued in U.S. Patent Application No. 10/600,004 on June 17, 2004  
(Attorney Docket No. 07579-0015-01000)

Amendment filed in U.S. Patent Application No. 10/600,004 on December 13, 2004  
(Attorney Docket No. 07579-0015-01000)

Office Action issued in U.S. Patent Application No. 10/600,004 on April 13, 2005  
(Attorney Docket No. 07579-0015-01000).

**Examiner  
Signature**

Date  
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Graham Edmund KELLY ) Group Art Unit: 1623  
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Application No.: 10/799,022 ) Examiner: Devesh KHARE  
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Filing Date: March 11, 2004 ) Confirmation No. 7571  
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For: METHOD OF CHOLESTEROL )  
REDUCTION USING ISOFLAVONES )

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**UPDATED NOTICE REGARDING RELATED LITIGATION**

Applicant submits this Updated Notice Regarding Related Litigation to the U.S. Patent and Trademark Office ("the Office") to update the Office regarding the current status of the Solae I and Solae II litigations. The present application, U.S. Application No. 10/799,022, is a continuation of U.S. Application No. 10/611,087, filed July 2, 2003, which is a continuation of U.S. Application No. 09/421,069, filed October 19, 1999, now U.S. Patent No. 6,642,212, which was a continuation of U.S. Application No. 08/910,837, filed August 13, 1997, now U.S. Patent No. 6,562,380, which is a continuation of U.S. Application 08/338,567, filed January 12, 1995, now U.S. Patent No. 5,830,887. Application Nos. 10/799,022; 10/611,087; 09/421,069; 08/910,837 and 08/338,567 are assigned to Novogen Research Pty. Ltd. ("Novogen").

Applicant previously submitted a Notice Regarding Related Litigation on April 30, 2004, informing the Office that on June 3, 2003, Solae, L.L.C. ("Solae") filed a Complaint alleging that

Archer Daniels Midland Company (“ADM”) and Amerifit Nutrition, Inc. (“Amerifit”) infringe at least one claim of U.S. Patent No. 6,562,380 (“the ‘380 patent”) and U.S. Patent No. 5,990,291 (“the ‘291 patent”). The case, Civil Case No. 4:03-CV-00732-HEA, was filed in the U.S. District Court for the Eastern District of Missouri (“Solae I”). The ‘380 patent is described above.

Applicant also informed the Office that on November 4, 2003, Solae filed a separate Complaint alleging that ADM and Amerifit infringe at least one claim of the U.S. Patent No. 6,642,212 B1 (“the ‘212 patent”). The case, Civil Case No. 4:03-CV-01595 HEA, was filed in U.S. District Court for the Eastern District of Missouri (“Solae II”). The ‘212 patent is also described above. On December 29, 2003 Solae filed a First Supplemental Complaint against all defendants adding a claim of infringement of U.S. Patent No. 6,664,382 (“the ‘382 patent”) to the earlier claims. On January 29, 2004, Solae filed a Second Supplemental Complaint adding a claim of infringement of U.S. Patent No. 6,680,381 (“the ‘381 patent”) to the earlier allegations of infringement of the ‘212 and ‘382 patents.

We note the following events in the Solae litigation, which occurred since the events summarized in our previous Notice Regarding Related Litigation of April 30, 2004. On April 26, 2004, Solae filed its Third Supplemental Complaint adding an allegation of infringement of U.S. Patent No. 6,706,292 (“the ‘292 patent”) to the earlier allegations of infringement of the ‘212, the ‘382, and the ‘381 patents. On April 28, 2004, the Court ordered consolidation of Solae I and Solae II cases for all purposes. All further pleadings related to allegations in Solae II will be filed in Civil Case No. 4:03-CV-00732-HEA (Solae I).

On May 11, 2004, Defendants ADM and Amerifit filed Answers and Counter Claims to Plaintiff’s Third Supplemental Complaint. In these answers ADM and Amerifit deny all

allegations presented in Third Supplemental Complaint and present counter claims of invalidity and non-infringement of the '212, '382, '381, and '292 patents. On June 1, 2004, Solae filed Plaintiff's Replies to Answers and Counterclaims of Defendants ADM and Amerifit. In these Replies, Solae denied defendants' allegations of non-infringement and invalidity of the '212, '382, '381, and '292 patents.

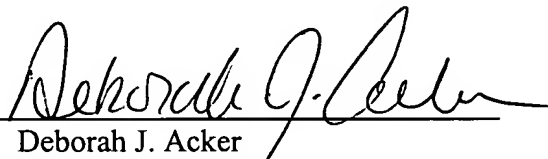
On February 14, 2005, Solae, ADM and Amerifit submitted a Joint Stipulation of Dismissal stipulating to dismissal of all claims and counterclaims in both Solae I and Solae II cases.

Further to this Notice, Applicant attaches: Third Supplemental Complaint (filed April 26, 2004); Defendant ADM's Answer and Counter Claims to Plaintiff's Third Supplemental Complaint (filed May 11, 2004); Defendant Amerifit's Answer and Counter Claims to Plaintiff's Third Supplemental Complaint (filed May 11, 2004); Plaintiff's Reply to Answer and Counterclaims of Defendant Amerifit (filed June 1, 2004); Plaintiff's Reply to Answer and Counterclaims of Defendant ADM (filed June 1, 2004); Joint Stipulation of Dismissal (filed February 14, 2005) and docket reports for Solae I and Solae II cases, current as of May 24, 2005.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 31, 2005

By:   
Deborah J. Acker  
Reg. No. 48,916